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E.O. 12958: DECL: 09/25/2022
TAGS: PTER PREL PHUM PINS LY
SUBJECT: LIBYA: TRANSFER OF GTMO DETAINEE

REF:A) STATE 127608

B) TRIPOLI 797
C) TRIPOLI 765

Classified by NEA DAS Gordon Gray for reasons 1.4(b) and (d).

¶1. (U) This is an action cable; please see paragraph six.

¶2. (S) Summary: The Deputies Committee (DC) concluded on August 23 that DoD should transfer Guantanamo detainee Ben Qumu Abu Sufian Ibrahim Ahmed Hamouda (ISN-557) to Libya on the next Detainee Movement Operation (DMO), which is scheduled to occur on or about September 26. The decision to transfer Hamouda is based, in part, on a USG interagency assessment that he is returning to Libya voluntarily. The decision to transfer Hamouda does not override the ref A request for additional information regarding detainee Muhammad Abdallah Mansur al-Rimi's (ISN-194) possible left hand/arm injury and tooth loss. DoD supports a GOL request to visit the Libyan national detainees remaining at Guantanamo for law enforcement and/or intelligence collection purposes. See action requests at paragraph six. End summary.

¶3. (S) The assessment that Hamouda is returning to Libya voluntarily is based on several factors specific to his case, including but not limited to the following:

-- Hamouda's counsel's unsolicited contact with a DOJ attorney in June 2007, through which counsel represented to DOJ that Hamouda was "okay to go back [i.e., to Libya]";

-- Counsel's September 10 representations to DOJ and State Department attorneys that, if the Center for Constitutional Rights (CCR -- a detainee advocacy group that employs Hamouda's counsel as a staff attorney) learned that the USG intended to transfer Hamouda to Libya, CCR would not pursue legal action to block the transfer, as it previously has done when it learned that the USG intended to transfer to Libya other individuals detained at Guantanamo who did not wish to return;

-- Hamouda's September 19 representations to JTF-GTMO judge advocates that he was not afraid of returning to Libya and that he would go to Libya; and

-- Hamouda's representations to the International Committee of the Red Cross (ICRC) on this matter. ICRC officials informally confirmed that Hamouda previously told them that he wished to return to Libya and had no fears about returning. ICRC officials met with Hamouda again on September 19 to confirm this fact; during this interview, he expressed his willingness to be repatriated to Libya.

¶4. (S) The decision to transfer Hamouda to Libya is based on the specific circumstances of his case. The voluntary nature of his return and the other factors noted above mitigate, in his case, concerns that remain with respect to other transfers to Libya.

¶5. (S) The non-governmental Qadhafi Development Foundation (QDF) has requested access to all Libyan national detainees remaining at Guantanamo (refs B and C). The QDF purportedly made the request on behalf of the GOL. DoD supports a GOL request to visit other Libyan

national detainees remaining at Guantanamo for law enforcement and/or intelligence collection purposes, but DoD cannot provide such access to non-governmental QDF representatives, in accordance with DoD policy.

¶6. (S) Post is requested to:

-- Notify the GOL of the decision to transfer Hamouda to Libya on the next DMO, which is scheduled to occur on or about September 26;

-- Advise the GOL that DoD supports a GOL request to visit the Libyan national detainees remaining at Guantanamo for law enforcement and/or intelligence collection purposes and is prepared to schedule such a visit upon receipt of a formal request from appropriate GOL officials, via approved channels; and

-- Leverage the decision to transfer Hamouda and the GOL's interest in visiting Guantanamo as a means to obtain additional information regarding al-Rimi's possible left hand/arm injury and tooth loss.

¶7. (U) Tripoli minimize considered.

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